

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 FOR THE COUNTY OF MULTNOMAH

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7 Personal Representative for )  
the Estate of Jessie D. )  
8 WILLIAMS, deceased, )  
 )  
9 Plaintiff, )  
 )  
0 vs. ) No. 9705-03957  
 )  
1 PHILIP MORRIS, INC., PHILIP )  
MORRIS COMPANIES, INC., and )  
2 FRED MEYER, INC., )  
 )  
3 Defendants. )

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19 Taken in behalf of Defendants

20 Wednesday, September 2, 1998

21 Volume II

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3 WILLIAMS-BRANCH was taken before Lisa J. Pace,  
4 Certified Shorthand Reporter for Oregon, on  
5 Wednesday, September 2, 1998, commencing at the hour  
6 of 10:18, the proceedings being reported in the law  
7 offices of Swanson, Thomas & Coon, Portland, Oregon.

8 \* \* \*

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33 \* \* \*

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1 JOANN WILLIAMS-BRANCH  
2 having first been sworn or affirmed, was examined and  
3 testified under penalties of perjury as follows:  
4  
5 EXAMINATION

6 BY-MR. RANDLES:

7 Q. Okay. Ms. Williams-Branch, we've met before.

8 A. Yes, we have.

9 Q. And you were present for the entirety of your  
10 mother's deposition just a few moments ago, correct?

11 A. Yes.

12 Q. As I stated before, this is a continuation of your  
13 prior deposition into some lines of questioning the  
14 judge ruled were appropriate for me to pursue.

15 I'd like to remind you the same rules apply as  
16 the last deposition, you're still under an  
17 affirmation to tell the truth. You understand that,  
18 don't you?

19 A. Yes, I do.

20 Q. If I ask any questions you don't understand, please  
21 stop me and I will rephrase, try to be more  
22 coherent.

23 A. Okay.

24 Q. Always remember to answer verbally for the court  
25 reporter, and where appropriate with "yes" or "no."

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1 All right?

2 A. All right.

3 Q. And if you need to take a break, just let me know,  
4 we'll take a break.

5 MR. GAYLORD: Excuse me. I'm just going to say  
6 for the record the same comments that I made at the  
7 beginning of the continuation deposition of Mrs.  
8 Williams earlier this morning apply here as well.

9                   Thank you.

10                   MR. RANDLES: Understood.

11           Q. Are you taking any medication that would impair your  
12           memory or affect your ability to answer my questions  
13           truthfully today?

14           A. No.

15           Q. Is there any reason you can think of, any condition  
16           that would prohibit you from answering my questions  
17           fully and truthfully today?

18           A. No.

19           Q. I'm going to try to save a little bit of time here.  
20           As we've stated, you were present for your mother's  
21           deposition earlier this morning. Is there anything  
22           she testified to that you disagree with?

23                   MR. GAYLORD: Object to the form.

24                   Go ahead.

25           A. No, not that I can think of.

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1           Q. As I stated before, all of the questions I'm going to  
2           ask you today from here on, unless I specifically  
3           indicate otherwise, are restricted to the period of  
4           time prior to your father's death. Do you understand  
5           that?

6           A. Before my dad's death?

7           Q. Yes, ma'am.

8           A. Yes.

9           Q. All right. During your father's lifetime, did you  
10           believe what you read in Watchtower and Awake  
11           magazines to be true?

12 A. Yes.

13 Q. On all matters?

14 A. Did I -- Say the question again. I'm sorry.

15 Q. During your father's lifetime, did you believe what

16 you read in Watchtower and Awake magazine on all

17 matters to be true?

18 A. It would depend on, you know, what the matters was or

19 the subject was, I guess.

20 Q. Were there exceptions? In other words, were there

21 subjects that you read articles about that you

22 thought were not true?

23 A. Could have been. I don't know. It would depend, I

24 guess --

25 Q. Do any exceptions come to mind as you sit here

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1 today? Sorry, I didn't mean to talk over you.

2 A. No.

3 Q. Did you believe what you read about smoking?

4 A. Yes.

5 Q. And again, as you sit here today, can you think of

6 any exceptions to that?

7 A. Not right offhand, no.

8 Q. Were you aware at any time prior to your father's

9 death of any Jehovah's Witness publications stating

10 to the effect that cigarette smoking was addictive or

11 an addiction?

12 A. Say the question again. I'm sorry. I'm not

13 focusing.

14 Q. Okay. Were you aware of any Jehovah's Witness

15 publications that stated that cigarette smoking was

16                   addictive or an addiction?

17       A.    Was I aware of any articles?

18       Q.    Yes, ma'am.

19       A.    I'm sure there is, but I can't remember which ones.

20                   Do you have any available that I can look at or --

21       Q.    I'm asking a very broad question. Just are you aware

22                   that there were articles prior to your father's death

23                   stating that cigarette smoking was an addiction?

24       A.    Yeah, I think so.

25       Q.    Did you ever discuss such statements with your

135

1                   father?

2       A.    That it was addictive?

3       Q.    Yes.

4       A.    No.

5       Q.    Did he ever tell you that smoking was addictive?

6       A.    No, I've never heard him say that.

7       Q.    Did you ever bring any articles in Watchtower or

8                   Awake magazine to your father's attention?

9       A.    Like when? What period of time?

10      Q.    Any period of time prior to his death, did you ever

11                   bring any articles in Watchtower or Awake magazine to

12                   his attention?

13      A.    Prior to his death, no, because he was

14                   disfellowshipped, so I couldn't talk on the matter at

15                   all. But years in the past, I guess we've talked

16                   about -- Actually, no, I can't remember that.

17      Q.    Did you ever discuss with your father what Watchtower

18                   and Awake magazines had to say about smoking?

19      A.    No, not that I can remember.

20 Q. Did you ever read in fellowship publications that  
21 smoking could cause lung cancer?  
22 A. In fellowship publications? I don't know what  
23 fellowship publications is, I don't know what you  
24 mean by that.  
25 Q. All right. We'll break it down. Did you ever read

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1 in Watchtower that smoking could cause lung cancer?  
2 A. Probably have, but I, you know, I don't know which  
3 ones. Do you have any articles that I could look at  
4 or --  
5 Q. As I mentioned to your mother, it's my turn to ask  
6 the questions.  
7 A. Oh, okay.  
8 Q. Did you ever read in Awake that smoking could cause  
9 lung cancer?  
10 A. Probably have in the past, but I don't know what  
11 articles.  
12 Q. You understood that it was your church's position  
13 that smoking could cause lung cancer, didn't you?  
14 A. No. My church?  
15 Q. Yes.  
16 A. No.  
17 Q. What was your church's position about smoking?  
18 A. No church. I don't go to church, so I can't answer  
19 that question.  
20 Q. If I inadvertently call the Jehovah's Witness  
21 fellowship a church or an organization or anything  
22 like that, and that's a problem with my question, I  
23 want you to stop me and correct me before you

24 answer. All right?

25 A. All right.

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1 Q. I mean no offense, I just use the wrong word. It's  
2 simply an error.

3 Now, you understood, didn't you, that it was  
4 your fellowship's position that smoking caused lung  
5 cancer?

6 A. You know, that term "fellowship," I'm not  
7 understanding that. I can't --

8 Q. All right.

9 A. You need an organization, organization, is that what  
10 you mean by fellowship?

11 Q. Well, I'll try again. Did you understand that the  
12 Jehovah Witnesses' position is that smoking causes  
13 lung cancer?

14 A. No.

15 Q. Again, limiting, prior to your father's death, did  
16 you understand that the Jehovah's Witness position  
17 was that smoking caused lung cancer?

18 A. No.

19 Q. Did you ever understand that to be their position?

20 A. No.

21 Q. What was their position about smoking?

22 A. What was Jehovah's Witnesses' belief --

23 Q. Yes.

24 A. -- about smoking?

25 Q. Yes.

1       A.    That it's hazardous to your health.

2       Q.    And did you ever read in Jehovah's Witness

3            publications that smoking could cause lung cancer?

4       A.    I'm not really -- I can't remember if I have or not.

5       Q.    How far back do you remember the Jehovah's Witness

6            position being that smoking could be hazardous to

7            your health?

8       A.    I don't know. Maybe around the '80s or something

9            like that. I'm not really sure.

10      Q.    Do you remember when your father was disfellowshipped

11            from the Jehovah's Witness religion?

12      A.    I don't remember when, no.

13      Q.    Do you remember the decade?

14      A.    I can't remember that either.

15      Q.    Okay. Do you remember the event happening?

16      A.    I remember it happening, yeah.

17      Q.    At that time, what did the fellowship teach regarding

18            a smoker's ability to quit smoking?

19      A.    I don't know what you mean by fellowship, so I can't

20            answer that question. Just don't know what you mean.

21      Q.    Well, I'm referring to the group that

22            disfellowshipped him. That's what I mean.

23      A.    You mean the organization, you mean?

24      Q.    Who disfellowshipped your father?

25      A.    Was the elders and the congregation.

1 Q. All right. That's what I'm referring to, then.

2 A. Okay. Say the question.

3 Q. What did they teach about a person's ability to quit

4 smoking?

5 A. I don't know.

6 Q. Who made the decision to disfellowship your father?

7 A. It was a body of elders.

8 Q. Were they the elders at your local Jehovah's Witness

9 congregation?

10 A. Yes, they were.

11 Q. Did any outside elders come in?

12 A. I don't know.

13 Q. Did any outside judicial overseer come in?

14 A. I have no idea. I wasn't there.

15 Q. You weren't there?

16 A. No.

17 Q. You weren't attending Jehovah's Witness services at

18 the time your father was disfellowshipped?

19 A. Not the congregation he was in.

20 Q. Oh, you were attending a different congregation?

21 A. Yeah.

22 Q. Okay. What did the Jehovah's Witness publications at

23 that time teach about a person's ability to quit

24 smoking?

25 A. I have no idea. I can't remember.

1 Q. Was smoking the only reason given for your father's

2 disfellowship?

3 A. Say the question again. I'm sorry.

4 Q. Was smoking the only reason given for your father's

5 disfellowship?

6 A. I believe so, yes.

7 Q. Did your father ever apply for reinstatement?

8 A. I don't know that.

9 Q. Have you ever heard or read a statement to the effect

10 that if a smoker really cares not only for his life

11 but for his loved ones, he can indeed stop smoking?

12 A. Have I ever read that?

13 Q. Read or heard a statement to that effect.

14 A. No, I haven't.

15 Q. Is that what you understand your church's position,

16 your fellowship's position to be about a person's

17 ability to stop smoking?

18 A. I have no idea. If you have something I can read and

19 that -- I can understand that question a little

20 better.

21 Q. Well, do your best. Is that what you understand your

22 fellowship's position to be about a person's ability

23 to quit smoking?

24 MR. GAYLORD: Object to the form.

25 A. Without the article in front of me, I really can't,

8 Q. All right. Have you ever heard a statement to that  
9 effect?

10 A. No.

11 MR. GAYLORD: Other than through your  
12 questions?

13 A. Well, yeah -- yes, I have, you just asked that.

14 MR. RANDLES: Always happy to be educational.

15 MR. GAYLORD: I think I'm going to call you as a  
16 witness.

17 [laughter]

18 Q. Isn't it true that the Jehovah's Witness fellowship  
19 teaches that anyone who wants to badly enough and has  
20 enough faith can quit smoking?

21 MR. GAYLORD: Object to the form.

22 A. I don't know.

23 Q. Did the fellowship offer any special assistance to  
24 members who were trying to quit smoking at the time  
25 of your father's disfellowshipping?

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1 A. Offer any assistance?

2 Q. Yes.

3 A. Probably, you know, prayer, maybe, and that's about  
4 it, I guess.

5 Q. Did any elders ever come by to pray with him or  
6 counsel him?

7 A. I don't know.

8 Q. At any time prior to your father's death, did the  
9 Jehovah's Witness congregation offer assistance to  
10 people who were trying to quit smoking other than  
11 prayer?

12 A. No, I don't know of any.

13 Q. Did you ever talk to your father and encourage him to

14 quit smoking?

15 A. Yes.

16 Q. Did you ever say anything to the effect, you can do

17 it, Dad?

18 MR. GAYLORD: That's been asked and answered in

19 the last deposition.

20 MR. RANDLES: I don't think it has.

21 MR. GAYLORD: Give me just a second.

22 Q. I'll rephrase. Were you ever present when anyone

23 discussed with your father his ability to quit

24 smoking?

25 A. No. His ability to quit smoking?

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1 Q. Yes.

2 A. Like who?

3 MR. GAYLORD: Just a minute. I object because I

4 believe this is a subject that was thoroughly covered

5 before and not the subject of any restrictions on

6 your prior deposition of this witness or the order of

7 the Court to go forward.

8 I'm curious what your argument would be for why

9 you should go into it now, and so I'd like to hear it

10 before I decide whether or not to instruct her not to

11 answer.

12 Q. I'll approach it differently.

13 Isn't it true that the fellowship taught against

14 smoking even before it instituted the prohibition in

15 1973?

16 A. I don't know.

17 Q. You don't know what the church's position was prior  
18 to 1973 about smoking?

19 A. I just can't remember. I don't -- I don't remember.  
20 I'm sorry.

21 MR. GAYLORD: Before you ask another question, I  
22 want to just say in furtherance of my previous  
23 statement --

24 MR. RANDLES: I already left it.

25 MR. GAYLORD: -- page 35 of her prior deposition

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1 has exactly the same question as you asked a moment  
2 ago. Go ahead.

3 MR. RANDLES: I already yielded.

4 MR. GAYLORD: All right.

5 Q. Is it your testimony then you just don't know what  
6 the church's position was on smoking prior to 1973?  
7 Let me back up. Is it your position you just don't  
8 know what the Jehovah's Witness fellowship's position  
9 was on smoking prior to 1973?

10 A. Before 1973?

11 Q. Right.

12 A. I cannot remember, I'll say it like that.

13 Q. Do you recall anything about the fellowship's  
14 teachings about smoking in any sense prior to 1973?

15 A. It's hazardous for your health.

16 Q. Do you recall anything else?

17 A. Just hazardous for your health. I mean --

18 Q. Okay. From 1973 until your father's death, do you

19 recall any other teachings by your fellowship about  
20 smoking?

21 A. Say that again. I'm sorry.

22 Q. From 1973 until your father's death, do you recall  
23 any other teachings by your fellowship about smoking?

24 A. I believe just that it's hazardous for your health  
25 and not for you -- but I'm not really -- can't really

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1 remember.

2 Q. Did your father believe the Jehovah's Witness  
3 teachings about smoking?

4 MR. GAYLORD: Object to the form of the  
5 question.

6 A. I don't know. I wish he was here, I could ask him,  
7 but he's not.

8 Q. You don't know whether he believed them or didn't  
9 believe them; is that correct?

10 A. I believe he believed it.

11 Q. Did he ever tell you he believed them?

12 A. He never told me.

13 Q. Did he ever give you an outward sign or indication he  
14 believed them?

15 A. He believed them about what again? I'm sorry.

16 Q. I'm asking now about the Jehovah's Witness teachings  
17 about smoking. Did he ever give you an outward  
18 indication that he believed those teachings?

19 A. He's never given me any, no. No.

20 Q. Did he ever tell you why he continued to smoke?

21 A. He continued to smoke because he couldn't stop.

22 MR. GAYLORD: That's been asked and answered and  
23 discussed thoroughly in the prior deposition.  
24 A. Can I answer?  
25 Q. You can answer.

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1 A. He couldn't stop.

2 Q. Okay. Any other reason?

3 A. No. He just couldn't stop.

4 Q. Which congregation was your father a member of?

5 A. I think it was Irvington. I'm not really sure. You

6 might want to ask my mom.

7 Q. And what congregation were you a member of?

8 A. Was I or am I a member of?

9 Q. Were you a member of the same congregation at the

10 time your father was disfellowshipped?

11 A. No. No, I wasn't.

12 Q. Which congregation were you a member of?

13 A. Beaumont.

14 Q. Did he ever attend that congregation?

15 A. Beaumont? No.

16 Q. Did he ever attend any other congregation that you

17 know of than the Irvington one you mentioned?

18 A. I don't know. I didn't live with my dad.

19 Q. Do you still attend the Beaumont congregation?

20 A. Definitely.

21 Q. Have you ever attended any others?

22 A. Yes.

23 Q. What others have you attended?

24 A. I have attended Glenhaven, I've attended Irvington

25 and Beaumont.

1 MR. RANDLES: That's all I have.

2 EXAMINATION

3 BY-MR. GAYLORD:

4 Q. I have a couple of follow-up questions.

5 Ms. Williams, did you ever make any attempt to  
6 memorize any statements or quotes from any of the  
7 Jehovah's Witness literature?

8 A. No.

9 Q. Have you ever studied those publications to see what  
10 they said or when they said anything about tobacco?

11 A. No, never.

12 Q. Prior to your father's death did he indicate that he  
13 had believed the tobacco industry claims about the  
14 product up until the time of his diagnosis?

15 MR. RANDLES: Object the form.

16 A. Can you say that again?

17 Q. I'm sorry?

18 A. Repeat the question.

19 Q. Prior to your father's death, did he indicate that he  
20 had believed what the tobacco industry claimed about  
21 its product until the time he was diagnosed with lung  
22 cancer?

23 MR. RANDLES: Object to the form, and beyond the  
24 scope.

25 MR. GAYLORD: It's only as far beyond the scope

1 as the questions you asked about the same subject.

2 A. You know, I'm -- Repeat it again. I'm not sure.

3 Q. After your father was diagnosed with lung cancer,

4 okay, that's the time period.

5 A. Okay.

6 Q. So after about November of 1997 when he found out he

7 had lung cancer --

8 MR. DUMAS: '96, Counsel.

9 Q. Beg your pardon. Did you have any conversations or

10 hear any statements made by him about his

11 disappointment with the tobacco industry?

12 MR. RANDLES: Object to the form.

13 A. Yes.

14 Q. And did he indicate after he was diagnosed with lung

15 cancer that he felt let down by the tobacco

16 industry --

17 MR. RANDLES: Object to the form.

18 Q. -- because he had believed them?

19 MR. RANDLES: Object to the form.

20 A. Yes.

21 MR. GAYLORD: That's all.

22

23 EXAMINATION

24 BY-MR. RANDLES:

25 Q. Okay. I have a few follow-ups.

1 Did your father ever identify any specific

2 statements by any tobacco company that he trusted?

3 A. He trusted Marlboro.

4 Q. Did he identify specific statements on specific

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1                   with attorneys about filing a lawsuit?

2   A.   Was it what?   Say it again.

3   Q.   Were those conversations after you first consulted

4                   with lawyers about filing a lawsuit against tobacco

5                   companies?

6   A.   It was after my dad came down with lung cancer, was

7                   at home.

8 Q. I understand that. I'm asking you a different  
9 question. Was it after you first consulted with  
10 attorneys about filing a lawsuit?

11 A. It was before.

12 Q. All right. When was it?

13 A. I don't know a date or time. Sorry.

14 Q. How many conversations did you have to that effect?

15 A. I don't know.

16 Q. Was it before or after January 19, 1997?

17 MR. GAYLORD: Well, I object to the form of that  
18 question. It's already been asked and answered  
19 whether it was before the date of any consultation  
20 with lawyers.

21 MR. RANDLES: I'm asking a different question,  
22 and she doesn't need you to coach her about why I  
23 asked that date.

24 Q. Was it before or after January 19th, 1997?

25 MR. GAYLORD: I object. She's already been

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1 asked and answered the question, whether it was  
2 before or after consultation with lawyers.

3 Q. You can answer.

4 A. Say the question again. I'm sorry. I've lost it.

5 Q. Was it before or after January 19th, 1997?

6 A. Before or after 1997.

7 MR. GAYLORD: Do you know the significance of  
8 that date, Ms. Williams-Branch?

9 THE WITNESS: No, I do not, so I can't really  
10 answer. So I don't know. You guys want me to make  
11 up something?

12 Q. No, I don't. I want you to answer the question.

13 MR. RANDLES: The way you're talking, you're  
14 going to be a witness.

15 MR. TAUMAN: And a good one.

16 MR. RANDLES: Yes, apparently.

17 BY-MR. RANDLES: [Continuing]

18 Q. How many conversations did you have with your father  
19 where he said you trusted the tobacco companies?

20 A. Several.

21 Q. Were all of them after his diagnosis?

22 A. Before and after.

23 Q. When was the first one?

24 A. Years ago.

25 Q. Okay. How would it come up?

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1 A. I don't know. It probably came up when I said, Dad,  
2 you don't need to be smoking, which I've always said  
3 as long as I can remember.

4 Q. And what would he respond?

5 A. There's nothing wrong with it, you know.

6 Q. And would he say anything about the tobacco  
7 companies?

8 A. If -- Yeah. He said, you know, if -- it's nothing  
9 wrong with it. If they have it allowed here and  
10 people are buying it, it's nothing wrong with it.

11 Q. Did you ever point out the warnings on the pack --

12 A. No.

13 Q. -- saying it's hazardous to your health?

14 A. No.

15 Q. Never? Did you ever challenge him and say, well,  
16 Dad, why are you trusting the tobacco companies?  
17 A. No. I've never done that. I'm respectful to my  
18 parents.  
19 Q. So let me see if I understand. You would tell your  
20 dad he should quit smoking, he'd say, oh, it's okay  
21 because the tobacco companies say it's okay, and the  
22 conversation would end?  
23 MR. GAYLORD: Object to the form of the  
24 question.  
25 A. I don't know. It's a long time. I don't know.

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1 Q. Well, would the conversation ever continue after he  
2 would say something to the effect of, well, it must  
3 be okay because the tobacco companies are selling  
4 it?  
5 MR. GAYLORD: Object to the form of the  
6 question.  
7 A. My dad just said something that was, you know, he  
8 just -- Leave it alone.  
9 Q. So you didn't follow up?  
10 A. No. I mean, follow up like how? Continue asking him  
11 again?  
12 Q. Yes.  
13 A. No. If he said something, that was just it. Just  
14 kind of leave it.  
15 Q. Why was that just it?  
16 A. Because he was just quick and to the point, and  
17 that's his answers.  
18 Q. Did he convey the impression to you he didn't want to

19 talk about it any more, is that what you mean?

20 A. Basically, if he said something, he would just, you  
21 know, say it and that's it.

22 Q. He didn't want to debate it?

23 A. No.

24 Q. And you didn't?

25 A. Nope.

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1 Q. It was clear to you he didn't want to talk about it,  
2 right?

3 A. Probably.

4 MR. RANDLES: That's all.

5 [Deposition adjourned at 10:47]

6 [N.B.: As a matter of firm policy, the Stenographic  
7 notes of this transcript will be destroyed 3 years  
8 from the date appearing on the following certificate,  
9 unless notice is received otherwise from any party or  
10 counsel hereto on or before said date of the 2nd day  
11 of September, 2001.]

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23  
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25

22 Lisa J. Pace  
23 Certified Shorthand Reporter  
24 Certificate No. 90-0102